

Continuation of Substance of Interview including description of the general nature of what was discussed: Refer to attached fax transmission. I called Mr. Paikoff to request authorization for an Examiner's amendment. Mr. Paikoff replied to my fax and phone calls with the suggested format of the claim amendment which the Examiner agreed upon, including the cancellation of non-elected claims.



Patent Technology Centers

Facsimile Transmission

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37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Mr. Paikoff, per our discussion this morning, please review the preliminary, unofficial, office action. The Allowable subject matter is indicated. Please respond with an authorization for an Examiner's amendment, or otherwise, within 24-48hrs.

The reference to US 5312137 A is found on
<http://patft.uspto.gov/netahtml/srchnum.htm>

If you have any questions, please feel free to call.

Date and time of transmission: Monday, November 21, 2005 10:57:42 AM
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Preliminary (Unofficial Office action – for discussion only) DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-9, 11-13, 15, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nee; Gerard J. (US 5,312,137 A). Nee teaches a ventilation system (Figure 4; column 6; lines 8-54), comprising: (a) a sleeve device (12; Figure 4; column 6; lines 8-54) having at least one aperture (50; Figure 4; column 6; lines 8-54) thereon for gas transfer; (b) a ventilator (82; Figure 4; column 7; lines 23-46) coupled to the sleeve device (12; Figure 4; column 6; lines 8-54); and (c) a sensor (80, 82; Figure 4; column 7; lines 23-46) coupled to the sleeve device (12; Figure 4; column 6; lines 8-54). Applicant's claimed "In the fabrication of semiconductor integrated circuits" is a claim requirement of intended use. Further, it has been held that claim language that simply specifies an intended use or field of use for the invention generally will not limit the scope of a claim (Walter , 618 F.2d at 769, 205 USPQ at 409; MPEP 2106). Additionally, in apparatus claims, intended use must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim (In re Casey, 152 USPQ 235 (CCPA 1967); In re Otto , 136 USPQ 458, 459 (CCPA 1963); MPEP2111.02).

Nee further teaches:

- i. The ventilation system (Figure 4; column 6; lines 8-54) of claim 1, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) comprises a first and a second sleeve (16, 18; Figure 4; column 5, lines 16-36) connected thereto, as claimed by claim 2
- ii. The ventilation system (Figure 4; column 6; lines 8-54) of claim 2, wherein the sensor (80, 82; Figure 4; column 7; lines 23-46) is coupled to the second sleeve (16; Figure 4; column 5, lines 16-36), as claimed by claim 3
- iii. The ventilation system (Figure 4; column 6; lines 8-54) of claim 1, wherein the at least one aperture (50; Figure 4; column 6; lines 8-54) is on an inner wall of the sleeve device (12; Figure 4; column 6; lines 8-54), as claimed by claim 5
- iv. The ventilation system (Figure 4; column 6; lines 8-54) of claim 1, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) is connected to a pipeline ("P"; Figure 4), as claimed by claim 6
- v. The ventilation system (Figure 4; column 6; lines 8-54) of claim 6, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) is adjacent to a gas outlet (54; Figure 4) that is connected to the pipeline ("P"; Figure 4), as claimed by claim 7
- vi. The ventilation system (Figure 4; column 6; lines 8-54) of claim 7, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) and the pipeline ("P"; Figure 4) are substantially coaxial, as claimed by claim 8
- vii. The ventilation system (Figure 4; column 6; lines 8-54) of claim 1, wherein the ventilator (82; Figure 4; column 7; lines 23-46) is coupled to an outer wall of the sleeve device (12; Figure 4; column 6; lines 8-54), as claimed by claim 9

- viii. In the fabrication of semiconductor integrated circuits, a ventilation system (Figure 4; column 6; lines 8-54), comprising: (a) a sleeve device (12; Figure 4; column 6; lines 8-54) connected to a pipeline ("P"; Figure 4), having at least one aperture (50; Figure 4; column 6; lines 8-54) on an inner wall thereof; (b) a ventilator (82; Figure 4; column 7; lines 23-46) coupled to an outer wall of the sleeve device (12; Figure 4; column 6; lines 8-54); and (c) a sensor (80, 82; Figure 4; column 7; lines 23-46) coupled to the sleeve device (12; Figure 4; column 6; lines 8-54), as claimed by claim 11
- ix. The ventilation system (Figure 4; column 6; lines 8-54) of claim 11, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) comprises a first and a second sleeve (16, 18; Figure 4; column 5, lines 16-36) connected thereto, as claimed by claim 12
- x. The ventilation system (Figure 4; column 6; lines 8-54) of claim 12, wherein the sensor (80, 82; Figure 4; column 7; lines 23-46) is coupled to the second sleeve (16; Figure 4; column 5, lines 16-36), as claimed by claim 13
- xi. The ventilation system (Figure 4; column 6; lines 8-54) of claim 11, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) is adjacent to a gas outlet (54; Figure 4) that is connected to the pipeline ("P"; Figure 4), as claimed by claim 15
- xii. The ventilation system (Figure 4; column 6; lines 8-54) of claim 11, wherein the sleeve device (12; Figure 4; column 6; lines 8-54) and the pipeline ("P"; Figure 4) are substantially coaxial, as claimed by claim 16

Allowable Subject Matter

3. Claims 4, 10, 14, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims:
4. The ventilation system (Figure 4; column 6; lines 8-54) of claim 3, wherein the sensor (80, 82; Figure 4; column 7; lines 23-46) is adapted to generate a signal to control the ventilator (82; Figure 4; column 7; lines 23-46) when the sensor (80, 82; Figure 4; column 7; lines 23-46) senses a relative movement between the first sleeve and the second sleeve (16; Figure 4; column 5, lines 16-36).
10. The ventilation system (Figure 4; column 6; lines 8-54) of claim 7, wherein the sensor (80, 82; Figure 4; column 7; lines 23-46) is adapted to generate a signal to control the ventilator (82; Figure 4; column 7; lines 23-46) when the sensor (80, 82; Figure 4; column 7; lines 23-46) senses a relative movement between the sleeve device (12; Figure 4; column 6; lines 8-54) and the gas outlet (54; Figure 4).
14. The ventilation system (Figure 4; column 6; lines 8-54) of claim 13, wherein the sensor (80, 82; Figure 4; column 7; lines 23-46) is adapted to generate a signal to control the ventilator (82; Figure 4; column 7; lines 23-46) when the sensor (80, 82; Figure 4; column 7; lines 23-46) senses a relative movement between the first sleeve and the second sleeve (16; Figure 4; column 5, lines 16-36).
17. The ventilation system (Figure 4; column 6; lines 8-54) of claim 15, wherein the sensor (80, 82; Figure 4; column 7; lines 23-46) is adapted to generate a signal to control the ventilator (82; Figure 4; column 7; lines 23-46) when the sensor (80, 82; Figure 4; column 7; lines 23-46)

Art Unit: 1763

senses a relative movement between the sleeve device (12; Figure 4; column 6; lines 8-54) and the gas outlet (54; Figure 4).